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Situation of human rights in the Sudan

Note by the Secretary-General*

Summary

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the situation of human rights in the Sudan, Sima Samar, submitted in accordance with Human Rights Council decision 1/102, in which the Council decided to extend, exceptionally for one year, the mandates and the mandate holders of the special procedures of the Commission on Human Rights.

In its resolution 2005/82 the Commission on Human Rights established the mandate of the Special Rapporteur. The Special Rapporteur, Sima Samar, visited the Sudan in October 2005 and delivered an oral statement to the Third Committee of the General Assembly on 27 October 2005. She will present her first report (E/CN.4/2006/111) to the Human Rights Council at its second session. The present report presents the findings of her second and third visits to the Sudan, undertaken in March and August 2006, respectively.

The Special Rapporteur reports that the slow pace of implementation of the Comprehensive Peace Agreement, the lack of reform and ongoing violations of human rights and fundamental freedoms threaten the consolidation of peace in the Sudan. In accordance with her mandate, she refers in particular to the lack of reform of the security sector, the legal framework and accountability. She emphasizes the importance of transparency and consultation with a broad spectrum of society, especially relevant professional groups, to build confidence in the impartiality and effectiveness of the process and to ensure that the reforms respond effectively to the actual needs of victims and society in general.

* The present report was submitted after the deadline to reflect the most recent developments.

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She reports on the situation in Darfur following the signing of the Darfur Peace Agreement in May 2006 between the Government of National Unity and the Sudan Liberation Army/Minawi faction, which calmed tensions and violence between the two parties. As not all factions signed the agreement there has been an escalation of violence between the signatories and non-signatories. She reports that the Government of National Unity, allied militia and the rebel groups were perpetrating serious abuses of international human rights law and international humanitarian law with impunity. She warns that the situation will deteriorate further if the Government of National Unity, with the support of the international community, does not act to prevent further attacks on civilians. She notes with concern that the space for freedom of expression, association and assembly is closing and that human rights defenders are being targeted. In addition, she briefly reports on the human rights situation in different parts of the country. She expresses concern regarding violations of the rights of internally displaced persons living around Khartoum and the situation in Eastern and Southern Sudan. In Southern Sudan the situation is gradually improving, although it also suffers from insecurity, especially in the rural areas, as illegal armed groups and militias commit abuses with impunity.

The Special Rapporteur urges the Government of National Unity in particular, and all other parties, to fulfil their obligations under international human rights and humanitarian law, especially with regard to protection of civilians, or risk individual criminal responsibility for such acts as war crimes and crimes against humanity. The Special Rapporteur urges the Government of National Unity to find non-violent means to resolve the conflicts in the country, based on respect for human rights and fundamental freedoms for sustainable peace and stability in the Sudan.

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List of abbreviations

ACHR	Advisory Council for Human Rights
AMIS	African Union Mission in the Sudan
CPA	Comprehensive Peace Agreement
DPA	Darfur Peace Agreement
NHRC	National Human Rights Commission
IDP	Internally displaced person
INC	Interim National Constitution
JEM	Justice and Equality Movement
LRA	Lord's Resistance Army
NCRC	National Constitutional Review Commission
NGO	Non-governmental organization
SAF	Sudan Armed Forces
SLM/A	Sudan Liberation Movement/Army
SPLA	Sudanese Peoples' Liberation Army
UNMIS	United Nations Mission in the Sudan

I. Introduction

1. The Commission on Human Rights in its resolution 2005/82 established the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a period of one year. The Special Rapporteur was requested to monitor the human rights situation in the Sudan and report to the Commission on Human Rights (now the Human Rights Council) and the General Assembly. Sima Samar was appointed as Special Rapporteur in August 2005. The Human Rights Council, in its decision 1/102, decided to extend for one year the mandates and the mandate holders of all the Commission's special procedures.

2. The report prepared for the Commission on Human Rights following my first visit to the Sudan in October 2005 (E/CN.4/2006/111) will be presented to the Human Rights Council at its second session, held from 18 September to 6 October 2006.

3. The present report presents the findings of my second and third visits to the Sudan and covers the period March to August 2006.

4. During my visit in March 2006, in Khartoum, I met with the State Minister for Foreign Affairs, the Minister of Justice, the Deputy Minister of the Interior, the Acting Director and the Deputy of National Intelligence and Security Service, the Rapporteur of the Advisory Council for Human Rights (ACHR), the Minister of Humanitarian Affairs, the Head of the Unit to Combat Violence against Women and Children, the Under-Secretary at the Ministry of Finance, the State Minister at the Presidential Palace, representatives of civil society, parliamentarians, representatives of political parties, leaders of Arab tribes from Darfur and representatives of the United Nations Mission in the Sudan (UNMIS). I also visited Juba where I met with representatives of the Government of Southern Sudan, the Minister of Legal Affairs and Constitutional Development, the Committee on Human Rights and Humanitarian Affairs, the Committee on Gender and Social Welfare of the Southern Sudan Legislative Assembly, representatives of civil society and representatives of UNMIS and visited an internally displaced persons (IDPs) transit camp.

5. During my visit in August, in Khartoum, I met with the Minister for Foreign Affairs, the Senior Assistant to the President of the Sudan, the Rapporteur of the Advisory Council for Human Rights, the General Commissioner of Humanitarian Affairs, the Head of the Unit to Combat Violence against Women and Children, the Head of the National Assembly Human Rights Committee, representatives of civil society, UNMIS and the African Union Mission in the Sudan (AMIS). I also visited an IDP settlement. I visited Al Fasher, Northern Darfur, where I met the Deputy Governor and other local officials, representatives of civil society, IDP community leaders, and representatives of AMIS and UNMIS. In Al Geneina, Western Darfur, I met with the Deputy Governor, the Chief Justice, the Head of the National Intelligence and Security Service, the Chief of Police, the State Prosecutor, representatives of civil society, IDP community leaders, international NGOs, UNMIS and the United Nations Country Team.

6. I would like to thank the Government of National Unity, the Government of Southern Sudan and in particular ACHR for facilitating my missions to the country. I would also like to thank UNMIS Human Rights for providing me with support during my visits. I would also like to thank all the people who took the time to brief

me on the human rights situation in the country, in particular the victims of human rights violations who shared their personal stories with me. I commend the work done by national human rights defenders in the Sudan and the international agencies for their work to further the protection of human rights and provide humanitarian assistance to vulnerable populations in need.

II. General situation

A. International legal framework

7. The Sudan is party to a number of international human rights treaties. These included the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide and the Slavery Convention of 1926. The Sudan has ratified both Optional Protocols to the Convention on the Rights of the Child and has recently submitted its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography. The Sudan is also a party to the African Charter on Human and Peoples' Rights. Under these treaties, the Government has the obligation to respect, protect and fulfil the human rights of those within its jurisdiction. The Sudan is a signatory to the Rome Statute of the International Criminal Court and therefore is bound to refrain from acts which would defeat the object and purpose of the Statute.

8. The Sudan has signed but not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Sudan is not a State party to the Convention on the Elimination of All Forms of Discrimination against Women or the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In March, ACHR informed me that it had recommended that the Sudan should ratify the Convention against Torture before the next session of the Commission on Human Rights and it was considering ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

9. The Sudan and other parties to the conflict are also bound by international humanitarian law, in particular common article 3 to the Geneva Conventions. The Sudan also acceded to the two Additional Protocols to the Geneva Conventions in 2006. In addition to treaty law, the Sudan and parties involved in armed conflict are bound by customary rules of international humanitarian law. These include: protecting civilians against violence to life and person; prohibiting deliberate attacks on civilians and civilian objects; prohibiting attacks aimed at terrorizing civilians; taking precautions to minimize incidental loss and damage as a result of attacks; and ensuring that when attacking military objectives, incidental loss to civilians is not disproportionate to the military gain anticipated, and prohibiting pillage.

B. National framework, institutions and reforms

10. The signing of the Comprehensive Peace Agreement (CPA), the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan in 2005 marked a watershed in the Sudan's commitment to end a history of human rights violations and brought great hope and expectations for change. However, the reform process has not been transparent. There have been delays in the implementation of CPA, including in the harmonization of national legislation with INC and international human rights standards, which have caused disappointment and lack of confidence in the parties and the impartiality of the process.

11. During the period under review some of the security provisions of CPA have been implemented. The redeployment of the Sudan Armed Forces (SAF) from Southern Sudan is generally on schedule, and on 4 July the Sudanese Peoples' Liberation Army (SPLA) completed its redeployment from eastern Sudan. CPA security mechanisms such as the Ceasefire Joint Military Committee and the Area Joint Military Committees are largely functioning as intended, investigating violations and resolving conflict through discussions. However, the incorporation of Other Armed Groups (OAGs) into formal State forces (SAF and SPLA) and the formation of the Joint Integrated Units are behind schedule as is implementation of the power- and wealth-sharing aspects of CPA. The delineation of the North-South border remains contentious. No progress was made on implementing the Abyei Protocol as the National Congress Party rejected the Abyei Boundaries Commission report. The failure to appoint a local Executive Council or Abyei Area Council has left the people of Abyei largely without formal policing, public sanitation and health services. Abyei remains both a yardstick for CPA implementation and a flashpoint for violence.

12. I asked about the harmonization of national laws with INC and international human rights standards which are a priority for democratic transition and greater protection of human rights. In March I was informed that 63 laws had been identified as being in need of review. However, the legislative reform agenda required by CPA is worryingly behind schedule. More than one year after the adoption of INC, laws which seriously violate the Constitution and international human rights standards are still in use. Only the NGO bill[1] and the bill on the National Human Rights Commission (NHRC) have been circulated for public comment. The April to July session of the National Assembly made no progress regarding reform of important laws for the protection of human rights including the Criminal Act, the Criminal Procedure Act, the National Security Act, the Armed Forces Act, the Press and Publications Act and the Police Forces Act. I was informed by the Government that bills were being prepared to reform these acts for the next session of the National Assembly. I strongly recommended that bills be released for public comment and that consultations be held without delay with a broad spectrum of society, especially relevant professional groups, to ensure that the proposed reforms respond effectively to the actual needs of victims and society in general.

13. In this context, the Human Rights Standing Committee and the Committee on Legislation and Humanitarian Affairs of the National Assembly are playing a pioneering role in creating space for discussion between different stakeholders. For

[1] Adopted as the Organization of Humanitarian and Voluntary Work Act (March 2006).

example, a debate was held regarding the Criminal Act and proposed amendments for more effective prosecution of rape. I was informed by the authorities that bills for greater protection of women's rights will be presented to the October session of parliament; however, I was not provided with the drafts. I hope that legal practitioners and civil society groups will be consulted to ensure that reforms to the criminal legal framework will respond to the needs of victims and improve women's access to justice.

14. Legislation necessary to establish NHRC and other commissions is pending. Commissions that have been established are not functioning; for example, the National Constitutional Review Commission (NCRC) has not met since it was re-established on 7 January 2006.[2] According to information received, the next meeting of NCRC will be held on 18 September. Draft bills on NHRC, the Civil Service Commission and the Land Commission as well as the Political Parties Act and the Civil Service Act, are among the priorities of NCRC.

15. A number of civil society groups participated in a consultation workshop organized by ACHR and UNMIS in May on the establishment of a national human rights commission in accordance with the Paris Principles, and called for various amendments to the draft act establishing NHRC. I welcome the dialogue which has started with civil society and encourage the Government, NCRC and the National Assembly to continue the public consultation process in regards to other bills.

16. CPA and INC envisage extensive reforms of the security sector, calling for a new National Security Service that focuses on "advice, information-gathering and analysis", rather than arrests and detentions. I met with the Acting Director and the Deputy Director of the National Intelligence Security Service in March to raise concerns about the delays in implementing reforms and continuing violations. They admitted that there have been delays, but assured me of their commitment to reform the Service in a democratic way and to implement the provisions of CPA. They said that they were trying to strike a balance between the security of the State and the rights and freedoms of the individual. A number of SPLM members had been recruited into the ranks to make the Service more representative. They told me that legislation was being prepared and the establishment of the National Security Council would be the next step. Despite what I was told by the authorities, there have not been any significant reforms, no bill has been issued for public comment and Security Service officers continue to perpetrate human rights abuses. There are many documented cases of arbitrary arrest and detention, torture and cruel treatment, and restrictions of freedom of expression and association being carried out with impunity by members of Sudan's security apparatus.

17. In March, ACHR provided me with information on efforts being taken to bring perpetrators of human rights abuses to justice. I received a list of 29 cases of rape reported to the authorities in Darfur during January and October 2005 which are under investigation. I was also provided with a list of 15 police and military officers whose immunity had been lifted and who have been prosecuted for crimes committed between 1991 and 2003. I was informed about the Hamada reconciliation agreement between the tribes and told that immunities had been lifted for Security

[2] For regularly updated information see CPA Monitor, a monthly report on implementation of CPA at www.unmis.org.

Service officers. I also received a progress report regarding the work of the Commission for the Eradication of Abduction of Women and Children.

18. On a positive note, I was informed that, on 26 April 2006, the remaining 10 defendants accused of an attempted coup in September 2004 had been acquitted by the Special Court in Bahri, Khartoum. On returning the not guilty verdict, the trial judge accepted that the confessions had been obtained under torture and were unreliable and therefore inadmissible as evidence against the accused.

19. In August, I was informed that 23 political prisoners held in connection with the conflict had been released after the signing of the Darfur Peace Agreement (DPA). The Government informed me that they had prepared a plan for the restoration of stability and the protection of civilians in Darfur and a disarmament plan for the Janjaweed/armed militia in the framework of DPA.

20. The Ministry of the Interior has acknowledged that the prison system is underfunded and overpopulated. I was informed that more funds had been allocated to the prison service in the new budget and that Al Huda prison was being built in Omdurman with a capacity of 15,000-16,000 detainees.

21. Despite the obligation under CPA to demobilize all children in the ranks of the former warring parties by July 2005, the recent report of the Secretary-General on children and armed conflict in the Sudan (S/2006/662) states that in Jonglei State in Southern Sudan, SPLA, SAF, Community Defence Groups of the so-called White Army and other militias continue to recruit and use children. In the Darfur region, thousands of children were still thought to be actively involved in the conflict between May and July despite the signing of DPA and earlier ceasefire deals.

22. The Government launched an action plan to combat violence against women in Darfur in November 2005 and established state committees to supervise the implementation of the plan. As part of the plan, new female police officers were reportedly deployed to Darfur. A unit to combat violence against women was created under the Ministry of Justice to institutionalize efforts nationwide. The unit established additional advisory units in the three Darfur states to support the work of the State Committees to Combat Violence against Women. The state committee in Northern Darfur has three female members from the IDP camp. So far the functioning of the state committees has been irregular. Efforts have been made to address the consequences of rape in Darfur through better access to medical and social care; however, less work has been done on prevention and accountability.

23. Incidents of rape are often not reported to the police and when victims do come forward, the cases are rarely prosecuted. This is a general pattern across Darfur largely because police do not conduct prompt, effective investigations and/or because prosecutors choose not to pursue an investigation. However, there have been two recent cases which are positive signs from the justice sector and should encourage further accountability for these crimes. On 3 May, the Geneina General Court found an officer of the Central Reserve Police guilty of the crime of rape of a 10-year-old girl. This came after a number of delays, but it is nonetheless a welcome development. The criminalization of victims of rape remains a problem in Darfur and I welcome the decision of the General High Court of Al Fasher which acquitted a woman charged with the offence of adultery in November 2005. She had been raped by armed men in uniform and as a result became pregnant. She did not report

the rape to the police. When the child was born she attempted to abandon it and was reported to the police and charged with adultery and attempted murder.

C. Freedom of expression, association and assembly

24. The space for freedoms of expression, association and assembly is closing. The reporting period has been marked by a noticeable crackdown on human rights defenders, lawyers, journalists, and members of political opposition parties.

25. The new Organization of Humanitarian and Voluntary Work Act, commonly known as the NGO law, was signed into law on 16 March 2006. On a positive note, there was a consultative process and the National Assembly did make some minor improvements to the bill; however, concerns remain. The authorities have reportedly used it to curtail work on human rights. On 27 May 2006, five NGOs submitted a petition to the Constitutional Court challenging the constitutionality of the Act and calling for it to be suspended until the Court reached a decision on the matter. The petition states that the Act violates the right of freedom of association enshrined in INC by imposing unreasonable restrictions on the activities of NGOs. The petition cited many articles, including articles 7.1 (ministerial approval of project), 7.2 (approval of funding) and 11 (renewal of licence) of the Act. It also states that the Act violates articles 139, 149 and 195 of INC (regarding sources of income, grants and foreign assistance for the national, Southern Sudan and state governments). A preliminary hearing was held on 6 June and the petition was accepted by the Court; however, subsequent delays have raised concerns.

26. I am concerned that human rights defenders are being targeted by the authorities in violation of international standards which state that everyone has the right, individually or in association with others, to promote and strive for the protection and realization of human rights and fundamental freedoms.[3] For example, in August lawyers who were working on a case defending five IDPs arrested during anti-DPA demonstrations were charged with defamation, furnishing false information and being a threat to national security. The investigation was opened at the request of the National Security Service, which filed a complaint with the Prosecutor's Office in Nyala.

27. Journalists continue to be summoned by the authorities and harassed when they publish articles that are critical of government authorities or State security agencies.

28. Peaceful demonstrations have been violently dispersed and demonstrators arrested and detained. For example, in Khartoum on 30 August, a peaceful demonstration attended by a coalition of opposition parties, labour unions and civil society groups to protest the recent increase of sugar and petrol prices was violently dispersed by police forces and the National Security Service. As soon as the march began, demonstrators were almost immediately sprayed with tear gas. Policemen and National Security officers severely beat a large number of demonstrators, including women and elderly men. One person died from tear-gas inhalation and several injuries were reported. At least 80 persons were arrested in the course of the incident, including at least 13 students from Khartoum universities. The majority of

[3] See Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

those arrested reported that they had been harassed and severely beaten both at the time of their arrest and in police custody. On the same day, groups of students in Omdurman were dispersed by police using tear gas.

29. Prior to the demonstration, a series of arrests were carried out to prevent opposition leaders and others from joining the rally. On 29 August, four members of opposition parties were arrested in the evening hours. On 30 August, one of the organizers was arrested in the city centre, while forces entered the University of Khartoum to stop students from participating in the demonstration. Reportedly, two lecturers and one student were arrested.

30. Of those arrested, approximately 40 individuals were taken to court between 31 August and 2 September; the remaining detainees were released without charge. Many defendants were reportedly acquitted, but at least 21 individuals were found guilty of public order offences. Fair-trial guarantees were reported to have been breached during the trials, in particular access to a defence lawyer, the right to state one's case and cross-examine witnesses and the right to be presumed innocent. Further, allegations have been made that the prosecution fabricated evidence and that three judges in particular failed to act impartially with respect to the defendants. A group of 20 defence lawyers are currently preparing a letter of complaint to the head of the judiciary raising these concerns and requesting a review of the sentences passed by the three judges. If the request is denied or ignored, the lawyers intend to take the matter to the Constitutional Court.

III. Northern Sudan

31. Approximately 2 million IDPs who fled their homes due to conflict now live in camps and informal settlements in and around Khartoum. The majority of IDPs are from the south of Sudan, and a minority from Darfur and other parts of the country. These communities represent Khartoum's most marginalized populations. They are poor and under suspicion, making them prime targets for police abuse, including extortion. When the police engage in abusive activities, these victims generally have no avenue to seek redress.

32. On 18 May 2005 the police attempted to evict and relocate people in Soba Aradi and demolish their homes without advance warning or consultation. According to the Government, four residents and 15 policemen were killed in clashes. Over 600 former Soba Aradi residents were arrested in the following days, held at various police stations and severely beaten. At least one detainee died in custody. Most of the detainees were released without charge by mid-June 2005, but some 160 remained in custody. The police also arrested one of the lawyers representing the detainees. In June and July, 59 detainees were charged with rioting; 31 were convicted, including six children. The adults were sentenced to terms of imprisonment, the children to 20 lashes each. In March this year, the trial of 137 defendants, all initially charged with murder, commenced. A positive development is that the Khartoum Criminal Court dismissed charges against 62 of them for lack of evidence (article 141 of the Criminal Procedure Act 1991) in June and August 2006; however, it is regrettable that they were detained for one year in Kober prison and Dar El Thoba prison in overcrowded conditions.

33. Periodic police raids in search of alcohol brewers in IDP camps, squatter areas and resettlement areas around Khartoum from April to July 2006 resulted in

numerous human rights violations. I received reports of intimidation, extortion, harassment, physical and sexual assault and other abuses by policemen during the raids. Sexual abuse by policemen occurred during house searches as well as in police pretrial detention. Police misconduct during police raids may have contributed to an uprising by residents of the El Fateh squatter camp on 27 July during a routine alcohol raid. Police responded to the uprising with another raid on 29 July during which they used excessive amounts of force, burning shops and *rakubas* and beating civilians, while arresting 35 residents. It is questionable whether the trials of the arrested individuals complied with basic fair trial standards as the procedures are often brief and do not afford the accused an opportunity to properly state his/her case or produce witnesses. The police officers' evidence is invariably believed.

34. On 16 August the demolition of homes in Dar Assalam squatter camp, Gezira State (43 km south of Khartoum), started. Residents reported that the forces arrived with bulldozers at 4 a.m. and started demolitions. Armed police and Special Forces with tanks and vehicles with mounted machine guns were heavily present at the site and the entire area was cordoned off. Tear gas was used, resulting in a number of injuries, some serious and four fatal; children were among the dead. On 17 August I visited the site and verified that the camp, which housed an estimated population of 12,000, had been reduced to rubble in 24 hours. Trucks had been provided by the authorities to transport people and their belongings to the relocation site where some plastic sheeting was being provided to those who registered.

35. The forced relocation occurred in breach of a Memorandum of Understanding signed in January 2006 between the locality and the committee representing Dar Assalam community, according to which a relocation was accepted on the conditions that a suitable site would be agreed on by the parties and that essential services of water, education, health and security and certificates of land ownership would be provided to the residents. Serious doubts were raised by the affected community on the habitability of the new site on the basis of a survey indicating that the soil was polluted with waste from nearby chemical factories.

36. I was informed that on 15 August, the day before the relocation, 13 residents of Dar Assalam, including the head of the committee and a member of the Legislative Council of Gezira State, were arrested and severely ill-treated by police. They were released on bail six days later. One of the 13 who reported injuries was denied access to medical treatment as the police refused to issue the standard medical form required which could allow him to open a case against the police. A further 15 residents were arrested during the relocation and later released. Two journalists from a national newspaper who visited Dar Assalam to interview residents and photograph the area were detained and ill-treated by the police on 16 August. As of 11 September, humanitarian assistance offered by the international community to respond to verified urgent needs of medicine and shelter had not been accepted by the authorities.

37. Flooding of the Amri area (Northern State) has forced the evacuation of up to 2,723 households. Amri residents, who are one of three communities affected by the construction of the Merowe Dam, were warned by a government representative on 6 August 2006 that they had until 12 August 2006 to evacuate. The displaced households have no access to shelter, food or medicine. The authorities have denied access to the area to NGOs, UNMIS and journalists.

38. The Government appears to have ignored its obligations under international human rights law in regard to these communities. Principle 8 of the Guiding Principles on Internal Displacement provides that "displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected". In relation to evictions, the Committee on Economic, Social and Cultural Rights has stated in general comment No. 7 that: "States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force". Principle 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that whenever the use of force is unavoidable, law enforcement officials must "exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved".

IV. Eastern Sudan

39. In Eastern Sudan, various political parties and armed movements have protested against their perceived historical marginalization by the central Government. The two largest parties in this movement are the Beja Congress, representing some 2.4 million Beja people, and the Free Lions, who are mainly from the Rashayidah tribe. The two eventually merged, along with other smaller parties, to create the Eastern Front, a political party coalition with an armed wing.

40. In March I met in Khartoum with representatives from Eastern Sudan who raised concerns about the lack of justice and accountability in the region. On 29 January 2005 there was a massacre in Port Sudan, 21 people were killed and 48 people injured. The perpetrators have not yet been identified or brought to justice. A government report on the incident has not been made public. The authorities are reportedly applying pressure on victims' families to settle the cases without going to court. The representatives from Eastern Sudan insisted that it is important that the truth be known and justice done.

41. They also drew my attention to a number of alleged violations of their economic and social rights. The eastern region is characterized by chronic underdevelopment, widespread poverty and the marginalization of large strata of the population. The nutritional status of the population, support to the most vulnerable, and access to health care, especially for women and children, are matters of concern. Around mid-June, local authorities restricted United Nations travel to the region, seriously impacting on the delivery of humanitarian services to the population in need.

42. A state of emergency law is in place across Eastern Sudan, which limits the organization of peaceful demonstrations and the possibility to exercise freedom of speech and of association.

43. In early March 2006, three Beja Congress members were arrested by the National Security Service from their homes. Five other Beja Congress members were arrested on 3 and 4 April and released on 6 April. It appears that the latter group was arrested in relation to a peaceful sit-in organized by the Beja Congress on 27 March in front of the UNMIS office in Kassala to protest against the continued detention of their three colleagues and the general harassment they faced from Security officials in Kassala.

44. The Government and the Eastern Front signed a declaration of principles for the resolution of the eastern conflict on 19 June 2006 in Asmara, Eritrea. I hope the peace talks will lead to a just and equitable settlement of the conflict.

V. Darfur

45. DPA was signed by the Government of the Sudan and the Minni Minawi faction of the Sudan Liberation Movement/Army (SLM/A), on 5 May 2006. Abdel Wahid Mohamed al-Nur, the leader of another faction of SLM/A, and Khalil Ibrahim, leader of the Justice and Equality Movement (JEM), refused to sign, claiming it did not fulfil their demands. Initial reactions in Darfur as well as in Khartoum were dominated by protests and demonstrations triggered by the signing of the Agreement. Many IDPs rejected DPA, claiming that it was not representative of the majority of the population. The anti-DPA sentiment in IDP camps also led to attacks on AMIS personnel and assets, forcing AMIS to reduce its presence in a number of IDP camps.

46. The key components of DPA include power-sharing, wealth-sharing, a comprehensive ceasefire, final security arrangements and the Darfur-Darfur Dialogue and Consultation (DDDC). On 7 August, Minni Minawi (SLM/A) was sworn in as Senior Assistant to the President, the fourth-highest position in the Sudanese Government of National Unity and Chairperson of the Transitional Darfur Regional Authority (TDRA) tasked with overseeing the implementation of many provisions of the DPA.[4]

47. During my meeting in August with the Senior Assistant to the President, he explained that many joint mechanisms were in the process of being created for implementation of DPA and security arrangements were being made. He said that he was calling on the other rebel factions to join the agreement and was trying to accommodate their demands.

48. The Government's plan for stabilization and peace contains some positive elements; however, the planned deployment of 10,500 Sudanese forces in contravention of the DPA provisions is of serious concern. There cannot be a military solution to the conflict and increased military intervention will only escalate tensions in the region.

49. In accordance with the Government's plan for the neutralization and disarmament of the armed militia, a disarmament exercise was held on 23 June in Southern Darfur. AMIS confirmed that the Janjaweed had handed over 128 weapons to an SAF brigade deployed 80 km north-west of Nyala. However, in the absence of a clear definition of *Janjaweed*, or constructive engagement of tribal leaders commanding militias, disarmament initiatives remain contentious. Meanwhile, militia groups continue to operate with impunity throughout Darfur, attacking villages, stealing livestock and harassing IDPs. The Cease-fire Commission remained paralysed, with many ceasefire violations unaddressed.

50. The Deputy Governor of Northern Darfur briefed me on the progress made in implementation of DPA in the state. He said that the state constitution had been

[4] See The DPA Monitor, a monthly report on the implementation of DPA, at www.unmis.org.

modified and technical committees established to revise laws at the state level. He reported that people detained in relation to the conflict had been released.

51. In Western Darfur I was informed that the Security Committee had issued decree No. 3 dated 27 July 2006 on prohibition of uniforms and weapons for unauthorized persons and also to prevent military forces or others from carrying and shooting guns in the towns and markets. I was also told that to increase security for IDPs and humanitarian supply routes, demilitarized zones and buffer zones around IDP camps would be established. Interlocutors in Western Darfur raised concern that these zones could lock the IDPs into an enclave surrounded by armed people, putting them at great risk. Moreover, people want to return to their land to farm and look after their cattle, and not only to be protected in the camps.

52. In August, I visited Northern and Western Darfur and was extremely disturbed by the critical human rights situation there. There are clear signs of a further deterioration in the coming months if action is not taken to protect civilians from attacks and to end the conflict through peaceful means. Despite DPA, ceasefire provisions and what I was told by the authorities about greater security in the region, there has been an upsurge in violence resulting in killings of civilians, rape and displacement.[5] Sudanese armed forces, militia and armed rebel factions continue to commit severe human rights violations and breaches of international humanitarian law.

53. The level of violence in Darfur continues to rise. Civilians, in particular those living in rebel-controlled areas, are exposed to abuses either as a result of indiscriminate attacks or as a result of getting caught in the middle of clashes between warring parties. There is a clear failure to observe international humanitarian standards and differentiate between combatants and the civilian population during clashes. Civilians from tribes perceived as supporting the opposition or opposing DPA are also being intentionally targeted by the different factions.

54. The use of air support during attacks on civilian populations is of particular concern as the situation appears to be reverting to patterns observed during the conflict in 2004. For example, on 29 July 2006 a government Antonov flying in the direction of El Fasher, Northern Darfur, bombarded Jebel Nazra and Hassan villages (in the vicinity of Kulkul). As a result, one woman died, six civilians were injured and houses and a school were destroyed. After the first bombings soldiers of the Minni Minawi faction looted the properties in the village before fleeing the area. On 30 July, Gosh Marakh village was bombed. On 31 July, more air bombing took place in Um Hashab village, injuring a 7-year-old girl. On 1 August, further bombing took place in the Yonka area.

55. Large-scale militia attacks against civilian targets continue in Western Darfur. Two villages located north-west of Abu Surug were the target of a series of militia attacks from 17 July to 2 August, resulting in 12 civilian deaths, including three children and an elderly man. For example, on 30 July, 20 armed militia on horseback dressed in green camouflage uniforms approached Abu Surug and moved north towards Malaga. They came upon a woman cultivating her land with her two

[5] For more information see fourth periodic report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Sudan, "Deepening crisis in Darfur two months after the Darfur Peace Agreements: An Assessment" at www.ohchr.org.

boys, aged 12 and 13. The two boys were shot and killed by the militia. Outside Malaga, the militia encountered a 16-year-old student, who was also shot and killed. The next day, about 150 armed militia approached Malaga village from different directions and started shooting at the village. Most of the men of the village had already left after the previous day's attack, but a large number of people remained. Six men who attempted to escape to the mountains were ambushed by the attackers. Three were killed, including an 85-year-old man. Following the attacks, 1,394 new households were displaced to Abu Surug.

56. From 28 to 31 August, hundreds of armed militia from Habania and Fallata tribes attacked 10 villages in the locality of Buram, Southern Darfur, forcing the civilian population to flee. The attackers travelled on camels and horseback and wore uniforms. There are reports of at least 38 killed and 23 injured, 11 critically. The affected population, estimated to be about 10,000, is mainly of the Zaghawa, Massalit, Misserya Jamal and Tama tribes. As a result of overflowing rivers caused by the seasonal rains and the ongoing presence of armed militia surrounding the area, many people have been reported to be hiding in the bush and are left without access to humanitarian assistance.

57. As a result of the interfactional SLA fighting in Northern Darfur, accompanied by large-scale attacks on villages, killings and looting, there was massive displacement of civilians to other villages and to IDP camps in Tawila, Shangil Tobayi and Al Fasher town. According to the Office for the Coordination of Humanitarian Affairs, 25,000 persons were displaced during the month of July alone. Many villages are now empty. Civilians who remained in the villages are forced to pay fees to the controlling rebel militia. Northern parts of the region also saw heavy clashes between SAF, SLA, JEM and the newly formed National Redemption Front and G19 groups opposed to DPA. In the Tawila-Korma corridor, there were over 100 killings, many large-scale lootings of villages, beatings, abductions, rapes and some cases of torture in the month of July.

58. The seasonal migration of nomadic tribes has added to the already significant presence of militias and other armed elements around farming communities and IDP camps; tensions along the border with Chad continue to destabilize areas of Western Darfur. IDP leaders reported high insecurity within and outside the camps and the infiltration of militias in camps. IDPs cultivating their farms or collecting wood outside the camps are vulnerable to abuses by members of different tribes and militia groups, particularly in Western Darfur. This ongoing threat restricts the freedom of movement of IDPs and undermines their ability to cultivate land beyond the outskirts of the camps, affecting their livelihoods and the realization of their right to food.

59. There has been an alarming increase in the number of rape cases around Kalma camp, Southern Darfur, with a population of approximately 120,000 IDPs. According to reports received, between 130 and 200 women and girls were raped between the middle of July and the time of my visit in August. For example, 21 women were reportedly raped on 23 July while collecting grass north of Kalma. About 300 armed militiamen wearing khaki uniforms surrounded them. Some of the women were carrying babies who were thrown to the ground when the women were taken away. The militia told the women to "get ready for rape". When the women resisted, the militia shot their guns into the air to intimidate them, calling them "Tora Bora" — a derogatory name for rebels — and "black slaves".

60. There have also been multiple attacks by alleged members of Chadian Opposition Groups, in villages north of Dorti IDP camp, near El Geneina, Western Darfur, who said they were looking for female "Tora Bora". For example, on 27 and 28 July, alleged members of those groups wearing military uniforms entered homes in Waylo village looking for young women and girls to take away with them. In Korgi village, on 11 August, two armed men entered six homes searching for young women and girls.

61. As the security situation deteriorates in Darfur and the population becomes increasingly vulnerable, I am concerned that the Government is not taking the necessary action to facilitate the delivery of humanitarian assistance to the affected communities. Many civilians cannot be reached by humanitarian organizations due to the fighting or restrictions that have been imposed by the authorities on the delivery of assistance. Access is at its lowest levels since 2004. There has also been a sharp increase in deadly attacks on humanitarian staff.

62. Justice and accountability are critical to achieving lasting peace and security in Darfur. In resolution 1593 (2005), the Security Council referred the situation in Darfur to the International Criminal Court following the report of the International Commission of Inquiry (S/2005/60), which established that the Government of the Sudan, the Janjaweed and rebels are responsible for international crimes, including crimes against humanity and war crimes. The Commission conducted independent investigations to establish facts and gathered extensive information on multiple incidents of violations affecting villages, towns and other locations across Darfur. These serious violations continue to be perpetrated with impunity and the Government is unable and unwilling to seriously address the situation. At any time after the initiation of an investigation the Pre-Trial Chamber can issue a warrant of arrest in respect of a person if, having examined the application and the evidence or other information, it is satisfied that there are reasonable grounds to believe that the person has committed a crime within the jurisdiction of the Court and the arrest of the person appears necessary to prevent the person from continuing with the commission of that crime or a related crime which is within the jurisdiction of the Court and which arises out of the same circumstances.

63. The Government of the Sudan has created the following mechanisms to deal with the alleged crimes in Darfur: the Special Criminal Court for the Events in Darfur, established in June 2005, and two similar additional courts created in November 2005; ad hoc institutions to support the work of those courts, including the Judicial Investigation Committee and the Special Prosecutions Commissions; as well as the National Commission of Inquiry, committees against rape and the Special and Specialized Courts of 2001 and 2003, respectively. However, these efforts at establishing accountability and ensuring justice and reparation for the victims of the conflict have proved inadequate.

64. Despite the establishment of three new Special Criminal Courts in June and November 2005, which have the power to try serious crimes, including breaches of international humanitarian law, serious crimes are not being prosecuted. Ordinary criminal cases which do not warrant examination by a specialized court continue to be referred to these courts. The cases do not reflect the crimes committed during the height of the conflict, from 2003 to 2004, or the recent attacks perpetrated by militias, Sudanese forces or other armed groups against civilian populations. In the

few cases where officials are being prosecuted, their low rank indicates that the courts are not addressing the issue of command responsibility.

65. On 3 May, the Nyala Special Criminal Court for Events in Darfur delivered its first verdict on the only case referred to it since its establishment in November 2005. The case involved the attack in October 2005 on Tama village where pro-Government militia killed 28 civilians. The three men (two members of the Military Border Intelligence Service and one civilian) on trial were acquitted due to lack of evidence, on charges of robbery (Criminal Act, art. 175) and war crimes (pillaging), as per article 8 (2) (b) (xvi) of the Rome Statute, but were found guilty of other charges. The two Military Border Intelligence officers were convicted of criminal joint acts (Criminal Act, art. 21) and theft (ibid., art. 174) and sentenced to three years' imprisonment; the civilian was found guilty of theft and was sentenced to two years. This case demonstrates the inadequacy of the Special Criminal Court in holding the appropriate high-level officials accountable, and the failure of police to conduct proper investigation.

66. Following a number of attacks against civilians launched by militia and/or SAF between September 2005 and February 2006, the Government established numerous investigatory committees for Hamada, Aro Sharow, Guzminu, Tama, Tiwal and Shearia. Little emphasis was placed on bringing the perpetrators to justice. State responsibility was not addressed as the committees generally portrayed the violence they investigated as inter-tribal disputes, despite strong indications of State involvement. The methodologies of most of the committees were unclear and inadequate and lacked transparency. The findings were not made public. Committee impartiality and independence were undermined by the participation of armed forces and other security agencies personnel.

67. The General Amnesty, issued by Presidential Decree No. 114 on 11 June 2006, may further entrench impunity for serious violations of international human rights and humanitarian law. The amnesty provides immunity from domestic criminal prosecution to members of armed movements that have signed DPA and to parties that participated in Government-endorsed tribal reconciliation processes in Darfur, as well as to those that supported and committed themselves to DPA. The wording of the amnesty is ambiguous and unclear; it does not outline the crimes for which amnesty will be granted, nor does it provide the procedures for applications for amnesty, which makes it unclear whether there are any limitations to the crimes that can be pardoned.

68. On 27 June, amnesty was granted to 13 individuals in Northern Darfur, including two former Military Intelligence officers convicted of murder by the Special Criminal Court on the Events in Darfur for torturing a 13-year-old boy to death. The term "tribal reconciliation" was broadly interpreted to include a private settlement reached between the perpetrators and the victims' families. The process for choosing who to pardon was not transparent — in this case, the decision to pardon the two men was made by a committee designated by the Head of the Judiciary of Northern Darfur, comprised of himself, the Governor and the Chief Prosecutor.

69. The administration of justice is generally poor. In conflict-affected areas and in remote areas there is little or no access to justice institutions. For example, eight prosecutors had been assigned to cover the State of Western Darfur. However, at the time of my visit there were only four. Even where institutions are accessible to

victims, police and prosecutors often fail to launch an investigation or prosecute cases related to the conflict. Settlements out of court are used to reduce sentencing. For example, the two convicted soldiers referred to above were sentenced to only two years' imprisonment following an agreement by the family to accept compensation in lieu of punishment. Such agreements are permitted under the criminal law but there are no provisions to prevent coercion of weak victims by powerful perpetrators. Members of the government security forces are granted broad immunity by Sudanese law in relation to allegations of criminal conduct in the course of performing their duties.[6] Typically, there are delays at the commencement of hearings by civilian courts pending confirmation of the granting of civilian jurisdiction, and government security forces officials often do not execute arrest warrants.

VI. Southern Sudan

70. The human rights situation in the South remains fragile, in particular with regard to the enjoyment of social and economic rights. Poverty is overwhelming. The rights to education, health and adequate housing, as well as the right to development are almost non-existent. Returnees and IDPs are starting to arrive and face enormous difficulties with reintegration.

71. Outside the towns, insecurity continues due to the absence of the rule of law and the presence of different armed groups/militias. Armed groups are occupying and ruling areas by force. Killings, rapes, extortion, looting, harassment and intimidation have reportedly been committed with impunity.

72. SPLA began to disarm the civilian population and OAGs in northern Jonglei State as part of the Juba Declaration of 9 January 2006. The first major clash between the armed groups and SPLA occurred in late February, around Yuai. Since then the disarmament has continued with regular conflict between SPLA and the armed local population. The disarmament campaign undertaken by SPLA gives members of armed groups the option to surrender their weapons or keep them and join SPLA. Sometimes members use their new SPLA status to continue to launch attacks against rival tribes and to conduct cattle raids. The slow pace of disarmament is causing problems, as communities that are disarmed are vulnerable to attacks from militias that have yet to be disarmed.

73. There have been reports that the new troops are undisciplined and untrained, harassing the local population and abusing their power. For example, in Bur village, the continuing presence of armed Equatoria Defence Forces soldiers prevents displaced villagers from returning to their homes.

74. The Lord's Resistance Army (LRA) is reported to be responsible for attacks on villages and human rights abuses in Southern Sudan. Following an extended effort by the Government of Southern Sudan, the Government of Uganda and LRA launched talks in Juba on 14 July. On 26 August, the Government of Uganda and LRA signed a cessation of hostilities agreement in Juba, which requires LRA members to assemble at two designated points in Southern Sudan. I welcome the recent cessation of hostilities agreement. A comprehensive peace agreement which

[6] Section 46 of the Police Forces Act (1999); Criminal Decree No. 3/95, Trial of accused who are subject to the Peoples Armed Forces Act (1986); section 33 of the National Security Act (1999).

would address peace, justice and reconciliation issues in accordance with international human rights and humanitarian law is now required. In addition, it is necessary for the Government of National Unity and the Government of Southern Sudan to cooperate with the International Criminal Court as an important stepping-stone towards a durable solution for northern Uganda and to curb the violence in Southern Sudan.

75. The Southern Sudan Legislative Assembly was formed and the Interim Constitution of Southern Sudan was adopted on 6 December 2005. The Interim Constitution recognizes as an integral part of the Bill of Rights "all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan". It also stipulates the equality of men and women before the law and contains specific provisions on the rights of women.

76. However, the general lack of human and financial resources in Southern Sudan impacts negatively on the delivery of services and facilities by the Government, hindering its capacity to provide protection to civilians. The police lack basic equipment and personnel. Moreover, many of the existing judicial personnel are not adequately trained, contributing to delays in the administration of justice and a general lack of respect for the rule of law. The general lack of judges and civil servants causes delays in hearing cases, which can result in the prolonged detention of suspects on remand.

77. The members of the Southern Sudan Human Rights Commission were appointed by the President of the Government of Southern Sudan on 28 June in Juba. While this is a positive step, I am concerned that the members were appointed without the enactment of the law which would set out the mandate and function of the Commission. It is pertinent that all commissions, including this one, function with independence and effectiveness, as called for in CPA.

VII. Conclusions and recommendations

78. **The people of the Sudan had high expectations following the signing of the Comprehensive Peace Agreement and the adoption of the Interim National Constitution and the Interim Constitution of Southern Sudan, which marked a watershed in the country's history and provided a framework for the protection of human rights. However, the delays in the implementation of CPA, including in the harmonization of national legislation with INC and international standards, have caused disappointment and lack of confidence in the parties and the process. One year after the adoption of INC, laws which seriously violate the constitution and international human rights standards are still in use.**

79. **Human rights continue to be violated. Fundamental freedoms of expression and association are curtailed by the National Security and Military Intelligence Services. Human rights defenders, journalists, students, political opposition parties, IDPs and tribal leaders continue to be targeted for their activities, in violation of CPA and INC. I received credible reports that the security apparatus continues to arbitrarily arrest and detain. Detainees are often subjected to torture and ill-treatment and denied pre-trial and fair-trial**

guarantees. These violations are documented in Khartoum, Darfur, Eastern Sudan and Northern Kordofan.

80. The Government is also failing to protect economic, social and cultural rights. Widespread poverty and marginalization continue to be sources of political unrest throughout the country.

81. The situation in Darfur deteriorated dramatically since my last visit in March. Despite the signing of DPA and a new ceasefire, there has been an upsurge in violence with increased intra-SLA fighting. DPA has not yet brought peace and the situation in Darfur is volatile and tense. A more comprehensive peace should be established through a Darfur-Darfur dialogue and consultation to build consensus among all sectors of society on the way forward.

82. The Government of National Unity, militia and armed groups continue to commit serious abuses under international human rights and humanitarian law. In particular, they have conducted indiscriminate attacks, including killing of civilians, torture, rape, pillaging and forced displacement. In addition many people have been arrested and detained at checkpoints, and many have been held incommunicado and tortured. Furthermore, I have received reports that militia based in Darfur are attacking civilians across the border in Chad and the Central African Republic.

83. All the signs suggest that there will be an escalation of violence in the coming months, especially if AMIS pulls out and leaves a security vacuum. Experts are predicting that there could be mass killings of civilians and are calling for action to prevent further commission of serious crimes. Impunity and lack of disarmament remain the largest obstacles to the prevention of future crimes. Sudanese efforts towards establishing accountability and ensuring justice and reparation for the victims and survivors of the conflict have so far proved inadequate. The prosecution by the International Criminal Court of persons responsible for the most serious crimes in Darfur would contribute to sustainable peace.

84. Finally, the human rights situation in Southern Sudan and Eastern Sudan also demand attention. Unfortunately, the intensification of the conflict in Darfur has overshadowed issues in other parts of the country, which also must be addressed through implementation of CPA.

85. The Special Rapporteur makes the following recommendations:

(a) The warring factions should:

(i) Respect their obligations under international human rights law and international humanitarian law, in particular with regard to the protection of civilians;

(ii) Cease all hostilities and comply with the applicable ceasefire agreements, such as DPA or other (N'Djamena) pre-existing ceasefire agreement, and enter into an inclusive dialogue process to resolve the conflict peacefully;

(iii) Facilitate the provision of humanitarian assistance by the United Nations and other agencies and grant those engaged in the provision of

such assistance rapid and unimpeded access to the IDPs and people in great need;

(b) The Government of National Unity should:

(i) Protect all human rights and fundamental freedoms by creating conditions in the social, economic, political and other fields, as well as legal guarantees, to ensure that all persons, individually and in association with others, are able to enjoy all those rights and freedoms in practice;

(ii) Increase the budget allocations for development of marginalized areas, especially for provision of education and health service;

(iii) Prioritize law reform in order to harmonize national law with the Interim National Constitution and international human rights standards. Immediate attention should be given to the Criminal Act, the Criminal Procedure Act, the National Security Act, the Armed Forces Act, the Press and Publications Act and the Police Forces Act. Consultations should be held without delay with a broad spectrum of society, especially relevant professional groups, to ensure that the proposed reforms respond effectively to the actual needs of victims and society in general;

(iv) Disarm the Janjaweed and other armed groups and take all effective measures to prevent cross-border incursions into Chad and the Central African Republic, and put in place strict vetting procedures in accordance with international human rights law to ensure that those responsible for the most serious human rights and humanitarian law violations are not absorbed into the regular armed forces or given government positions;

(v) Protect the physical security and freedom of movement of the people of Darfur by putting in place a credible, capable and professional police force, sufficient prosecutors and a stronger judiciary;

(vi) Ensure that amnesty is not granted to individuals known to have carried out or ordered large-scale attacks, even if they have subsequently participated in tribal reconciliation meetings. The list of crimes for which individuals can receive amnesty should be specified and it should not include genocide, war crimes and crimes against humanity;

(vii) Continue efforts to prevent and respond to Sexual and Gender-based Violence through the implementation of the Action Plan for the Elimination of Violence against Women in Darfur. The work of the state committees on this work should be evaluated regularly to ensure that effective action is being taken to prevent incidents and ensure appropriate response from law enforcement agencies and the legal system;

(viii) Ensure that urban re-zoning that results in relocations occurs in a manner that respects the dignity and rights of affected people. Relocation sites must be fit for human habitation. All relevant authorities should be instructed that any evictions or relocations may only be carried out in full compliance with international human rights law;

(ix) Where evictions are necessary and comply fully with Sudan's international obligations on the right to adequate housing, ensure that all law enforcement officials who assist in carrying out the evictions comply

with the United Nations Code of Conduct for Law Enforcement Officers and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(x) Investigate all reports of human rights violations proactively and bring perpetrators to justice to stop the culture of impunity;

(xi) Strengthen cooperation with the International Criminal Court and ensure that there is no domestic amnesty for persons who have committed war crimes and crimes against humanity;

(xii) Establish the National Human Rights Commission in accordance with the Paris Principles, guarantee its independence and allocate sufficient funds to ensure its effectiveness;

(xiii) Ratify the remaining international instruments for the protection of human rights: the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Rome Statute of the International Criminal Court;

(c) The Government of Southern Sudan should:

(i) Take measures to guarantee security within its territory and especially in the rural communities;

(ii) Ensure that law enforcement officials are given training, resources and equipment for the effective discharge of their duties in accordance with international human rights standards;

(iii) Accelerate the process for the restoration, rehabilitation and strengthening of the judiciary and the penitentiary institutions to curb crime and provide justice to victims;

(iv) Prevent SPLA interference in the administration of justice (especially the police and the judiciary), and provide training to soldiers on their functions and roles and ensure that they live in the barracks;

(v) Take appropriate measures, with the support of the international community, in carrying out a systematic demobilization, disarmament and reintegration programme for ex-combatants and those belonging to OAGs and ensure that rural communities, once disarmed, are not left vulnerable to attack;

(d) The international community should:

(i) Urgently strengthen AMIS so as to provide an immediate and effective peacekeeping force to protect civilians;

(ii) Support and facilitate an inclusive dialogue process in Darfur to create peace;

(iii) Continue to provide technical and financial support to the Government of National Unity and the Government of Southern Sudan to implement CPA and build democratic national institutions for the protection of human rights;

(iv) **Support the establishment of a strong and independent judicial system and the harmonization of legal frameworks with international legal standards;**

(v) **Assist the Government of National Unity and the Government of Southern Sudan to implement comprehensive disarmament, demobilization and reintegration of the armed groups, including the Government-backed militias.**